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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,192	11/28/2000	Shunsuke Yajima	70868-55056	7747
21874	7590	08/25/2004	EXAMINER	
EDWARDS & ANGELL, LLP P.O. BOX 55874 BOSTON, MA 02205			WORKU, NEGUSSIE	
			ART UNIT	PAPER NUMBER
			2626	10

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

SM

### Office Action Summary

Application No.

09/724,192

Applicant(s)

YAJIMA ET AL.

Examiner

Negussie Worku

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 12 and 14 is/are rejected.
- 7) ☐ Claim(s) 2-11 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Applicant's arguments filed May 5, 2004 with respect to the rejection(s) of claim(s) 1-6 10-12, 14 under 35 U.S.C 102(b) and claims 7-9 and 13 under 35 U.S.C 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made to claims 1 and 12 as anticipated by Fukushima et al. (USP 5812279), and claim 14 over Fukushima et al. (USP 5812279) in view of Nakatsuma (USP 5134502).

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukushima (USP 5,812,279).

With respect to claim 1, Fukushima et al. discloses a facsimile (an arrangement of facsimile apparatus of fig 1), apparatus having a function of multi-address transmission of image data in a plurality of different communication modes, see [(col.5,

lines 10-20, specifically a regular mode (first mode) one of the plurality of mode, see col. 5, lines 10-14, manual mode a (2<sup>nd</sup> mode), see col. 5, lines 15-20, so as a facsimile of fig 1, has more than one communication mode (a plurality different communication mode)], comprising: a destination judging section (Key group 40 of fig 2, determine destination inputting dial numbers and controlling the overall operation of the facsimile including classifying input destination into groups according to dial numbers, see col.3, lines 45-40) for controlling for classifying inputted destination into groups, see col.3, lines 45-40; a memory (buffer memory 59 of fig 3) for storing the classified destinations by group; and a control section (communication control unit 50 fig 3) for controlling image data, see (col.3, lines 66-67) transmission by destinations classified by the destination judging section (Key group 40 of fig 2 ,determine a destination inputting dial numbers, see col.3, lines 45-40).

With respect to claims 12, Fukushima et al. discloses wherein the control section, (communication control section 50 of fig 3) controls transmission of image data sequentially by group, see (col.5, lines 10-14).

**4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukushima et al. (USP 5,812,279) in view of Nakatsuma et al. (USP 5,134,502).

With respect to claims 14, Fukushima et al. discloses all of the subject matter except for wherein the control section, controls transmission of image data by group in parallel.

However, Nakatsuma in the same area of data communication apparatus (shown in fig 1) discloses wherein the control section, (NT section 1 of fig 1) controls transmission of image data by group in parallel (ISDN has been known as having plurality of channel using those channel or communication lines in parallel, as discussed col.1 of lines 10-15.

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the image communication system of Fukushima to include; an ISDN (integrated service digital network) of Nakatsuma.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the image communication system of Fukushima by the teaching of Nakatsuma et al. because of the following reasons: (a) it would have provided users to have method that image data are easy transmitted between different communication apparatus in order to free at least one channel of the common line as suggested by Nakatsuma at col.1, lines 10-14.

***Claims having Allowable Subject Matter***

6. Claims 2-11, and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With respect to claims 2-9, 11 and 13 the prior art does not disclose, wherein the destination judging section for controlling the overall operation of the facsimile including classifying input destination into groups, is provided with a registration memory for storing registration data including data related to abbreviated dialing or single button dialing of destinations, and when a destination is inputted by abbreviated dialing or single button dialing, the destination judging section comprises a for controlling the overall operation of the facsimile including data related to key single button dial key reads out data related to the abbreviated dialing or single button dialing of the destination from the registration data of the registration memory and classifies the destination based on the data read from the registration data.

With respect to claim 10, the prior art dose not disclose wherein classification of inputted destinations by the destination judging section comprises for controlling the overall operation of the facsimile including classifying input destination into groups, is carried out every time when one destination is inputted.

With respect to claim 11, the prior art does not disclose or teach wherein classification of inputted destinations by the destination judging section for controlling the overall operation of the facsimile including classifying input destination into groups, is carried out when all destinations are inputted.

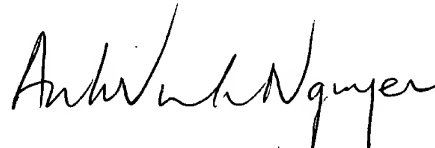
7. Any inquiry concerning this communication or earlier communication from Examiner should be directed to *Negussie Worku* whose telephone number is (703) 305 5441.

The Examiner can normally be reached on M-F, 9am - 6pm if attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, **Kimberly Williams**, can be reached on (703) 305-4863.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306, and any inquiry of general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
*Negussie Worku*

08/12/04



**MADELEINE NGUYEN  
PATENT EXAMINER**

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